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November 15, 2022

**Via ECF**

The Honorable Katherine Polk Failla  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

**Re: United States of America v. Wander Caraballo Pache; 1:21-CR-00675-001**

Dear Judge Failla,

Our firm represents Mr. Pache in the above-referenced matter. The case is currently scheduled for sentencing on November 30, 2022 with Defendant's sentencing submission due today. Lebedin Kofman, LLP, by the undersigned, Jessica Gorman, respectfully files this letter submission requesting to be relieved as counsel pursuant to Local Rule 1.4, requesting that a CJA attorney be appointed to represent Mr. Pache, and requesting that a new sentencing date be set so that Mr. Pache's new attorney may complete the sentencing.

On October 10, 2021, Mr. Pache executed a retainer agreement for the firm's services to defend him, and he and his family asserted they had the financial ability to satisfy the retainer. However, on October 5, 2022, attorney John Signoriello, who has since departed our firm, filed a letter motion for this firm to be relieved as counsel because Mr. Pache's family was unable or unwilling to pay the balance still owed to the firm for legal services.

After that, Mr. Pache's family repeatedly contacted the firm and assured us that substantial payment was forthcoming. The matter was conferenced with the Court on October 11, and we withdrew the motion in reliance on the family's assurances. However, the firm has still not been paid, and the family has since contacted us to let us know they are again unable or unwilling to pay, and requesting that a CJA attorney be appointed to represent Mr. Pache.

In light of the family's position, we are respectfully asking to be relieved. We apologize to the Court and counsel for re-opening this, as we thought it was resolved. But given the family's position, it is clear that we will not be paid, and that Mr. Pache is apparently indigent. Therefore,

we are making this motion and requesting that a CJA attorney be assigned to represent Mr. Pache.

We appreciate the Court's consideration of this request and remain available should any additional information be needed. Thank you.

Very truly yours,

/s/ Jessica Gorman

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cc via ECF: AUSA Thomas Barrett  
All other attorneys of record

Application DENIED. On October 11, 2022, the Court held a hearing with the parties regarding Defendant's representation in this case. (October 11, 2022 Minute Entry). At that hearing, defense counsel represented that the payment issues associated with the retainer agreement had been resolved, and that defense counsel no longer wished to withdraw from the case. Defense counsel has not represented to the Court that there has been a breakdown in communication with Defendant, or that Defendant no longer wishes to be represented by defense counsel. Instead, on the eve of when Defendant's sentencing submission is due (*id.* (noting Defendant's submission is due on November 16, 2022)), defense counsel raises the exact same issue that the Court previously addressed. The Court has already adjourned Defendant's sentencing date once due to this issue, and does not intend to do so again. In light of the representations in the above letter and the fact that defense counsel should have been preparing Defendant's sentencing submission, defense counsel shall file a sentencing submission on Defendant's behalf by **November 22, 2022**. The Government shall file its submission by **November 28, 2022, at 12:00 p.m.** The sentencing hearing will proceed as scheduled on **November 30, 2022**.

The Clerk of Court is directed to terminate the pending motion at docket entry 57.

Dated: November 15, 2022  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE